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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/526,847

11/16/2005

Maria del Carmen Martin Rivera

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04/11/2008

3M INNOVATIVE PROPERTIES COMPANY

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EXAMINER

GUIDOTTI, LAURA COLE

ART UNIT

PAPER NUMBER

3723

NOTIFICATION DATE

DELIVERY MODE

04/11/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/526,847 | Applicant(s) RIVERA ET AL. | |
| | Examiner Laura C. Guidotti | Art Unit 3723 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-23, 25-27 and 31-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-23, 25-27 and 31-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>0805, 0507, 1207</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "13" (page 6 line 15). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. **Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading.** If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.

(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.

(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Objections

3. Claims 25-27 and 31-33 objected to because of the following informalities:

Claim 25 had been preliminary amended to depend from claim 24, however claim 24 has been canceled. The Examiner is treating claim 25 as if it depends from claim 23. Also, Claim 31 had been preliminary amended to depend from claim 30, however claim 30 has been canceled. The Examiner is treating claim 25 as if it depends from claim 27.

Also, in claim 25, is the unit gm/m^2 meant to be g/m^2 ?

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 1-3, 7-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1-3 and 7-13, the Applicant claims "The use, as a domestic scouring material, of a flocked substrate...", however does not actually claim any method of use step. This is unclear. Also Claim 1 recites the limitation "The use" in Line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 7-15, and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Reinhardt et al., WO 98/45112.

Reinhardt et al. disclose the claimed invention including a flocked substrate or wipe laminated to a layer of foam (Page 4 Lines 11-16), wherein the flock comprises fibres that are arranged substantially perpendicular to a surface of the substrate to which they are secured (Page 4 Lines 1-4) and have a maximum length of 2.0 mm (Page 4 Lines 5-7), the fibres being substantially free of abrasive particles (the disclosure is silent regarding abrasive particles) (claims 14, 20). Regarding claim 15, the layer of foam comprises a pad capable of being used by hand (Page 1 Lines 10-12).

Regarding claim 19, the substrate is a non-woven web material (Page 4 Lines 17-20).

Regarding claims 1-3 and 7-13, there is a use of this device (Page 4 Lines 20-22).

6. Claims 1-3, 7-23, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Overseth, US 5,947,807.

Overseth discloses the claimed invention including a flocked substrate or wipe (10) laminated to a layer of foam (40), wherein the flock comprises fibres (28) that are arranged substantially perpendicular to a surface of the substrate to which they are secured (Figure 2; Column 5 Line 60) and have a maximum length of 2.0 mm (Column 6 Lines 12-13), the fibres being substantially free of abrasive particles (the disclosure is silent regarding abrasive particles) (claims 14, 20). Regarding claim 15, the layer of foam comprises a pad capable of being used by hand (Figure 2). Regarding claim 16, the foam is cellulosic foam (in that it has a density when converted of 80 kg/m^3 which is in the range defined by Applicant for cellulosic foam, Column 7 Lines 34-35). Regarding claim 17, the foam has a thickness in the range of 0.5 to 5.0 cm (Column 7 Lines 32-34). Regarding claim 18, 21, and 23 the flock is non-uniformly disposed over the substrate (Column 6 Lines 29-39) so that one area of the surface of the wipe remains exposed (Column 6 Lines 29-39, Figure 11). Regarding claim 19, the substrate is a nonwoven web material (polyester foam, Column 5 Lines 22-23). Regarding claim 22, the flock is applied only on one surface of the wipe (Figure 2). Regarding claim 25, the wipe comprises a material having a basis weight in the range of 15 to 300 gm/m^2 (as evidenced by Applicant's specification Page 6 Lines 26-28 that states that "known wipe

materials generally have a basis weight in the range from 15 to 300 gm/m²). Regarding claims 1-3 and 7-13, there is a use of this device (cleaning and polishing, Abstract).

7. Claims 1-3 and 7-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunkley, US 6,115,873.

Dunkley discloses the claimed invention including a flocked substrate or wipe (16) laminated to a layer of foam (14), wherein the flock comprises fibres (15) that are arranged substantially perpendicular to a surface of the substrate to which they are secured (Figure 2) and have a maximum length of 2.0 mm (Column 3 Lines 62-66), the fibres being substantially free of abrasive particles (the disclosure is silent regarding abrasive particles) (claims 14, 20). Regarding claim 15, the layer of foam comprises a pad capable of being used by hand (Column 4 Lines 21-25). Regarding claim 16, the foam is polyurethane foam (Column 3 Line 16). Regarding claim 17, the foam has a thickness in the range of 0.5 to 5.0 cm (Column 3 Lines 47-50). Regarding claim 18, 21, and 23 the flock is non-uniformly disposed over the substrate (Figure 2) so that one area of the surface of the wipe remains exposed (in that gaps between the fibres vary as shown in Figure 2, that an area of the surface is exposed). Regarding claim 19, the substrate is a nonwoven web material (as it's an adhesive layer, Column 3 Line 19). Regarding claim 22, the flock is applied only on one surface of the wipe (Figure 2). Regarding claims 1-3 and 7-13, there is a use of this device (application of lotions, Abstract).

8. Claims 1-3, 7-23, and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Landler et al., US 4,418,106.

Landler et al. discloses the claimed invention including a flocked substrate or wipe (10) laminated to a layer of foam (234; Column 11 Lines 17-21), wherein the flock comprises fibres (38) that are arranged substantially perpendicular to a surface of the substrate to which they are secured (Figure 5) and have a maximum length of 2.0 mm (Column 9 Line 38), the fibres being substantially free of abrasive particles (the disclosure is silent regarding abrasive particles) (claims 14, 20). Regarding claim 15, the layer of foam comprises a pad capable of being used by hand (a user could inherently use it by hand depending on sizing). Regarding claim 16, the foam is polyurethane foam (Column 11 Lines 17-21). Regarding claim 17, the foam has a thickness in the range of 0.5 to 5.0 cm (Column 10 Lines 34-35). Regarding claim 18, 21, and 23 the flock is non-uniformly disposed over the substrate (in Figure 5 it appears that the height of the flock is non-uniformly distributed) so that one area of the surface of the wipe remains exposed (in that there are gaps present between the fibres as shown in Figure 5). Regarding claim 19, the substrate is a nonwoven web material (as it is a polyester spunbonded web, Column 9 Lines 30-31). Regarding claim 22, the flock is applied only on one surface of the wipe (Figure 5). Regarding claim 25, the wipe (10) comprises a material having a basis weight of 60 g/m² (Column 9 Lines 30-31). Regarding claim 26, the flock comprises fibres having a length of 0.75mm (Column 9 Line 38). Regarding claims 1-3 and 7-13, there is a use of this device (as a composite, Abstract).

9. Claims 1-3, 7-17, 19-23, 25-27, and 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Bish et al., US 4,421,809.

Bish et al. disclose the claimed invention including a flocked substrate or wipe (3) laminated to a layer of foam (5), wherein the flock comprises fibres (1) that are arranged substantially perpendicular to a surface of the substrate to which they are secured (see the Figure) and have a maximum length of 2.0 mm (Column 2 Lines 48-49), the fibres being substantially free of abrasive particles (the disclosure is silent regarding abrasive particles) (claims 14, 20). Regarding claim 15, the layer of foam comprises a pad capable of being used by hand (as a user is capable of handling a floor mat by hand). Regarding claim 16, the foam is polyurethane foam (Column 6 Lines 2-3). Regarding claim 17, the foam has a thickness in the range of 0.5 to 5.0 cm (Column 7 Lines 32-34). Regarding claim 19, the substrate is a woven web or nonwoven web material (Column 4 Lines 51-52). Regarding claim 21, the flock is applied to the wipe in a way that at least one area of a liquid-absorbent surface of the wipe remains exposed (the areas between the fibers, see the Figure). Regarding claim 22, the flock is applied only on one surface of the wipe (see the Figure). Regarding claim 23, the flock is applied only to certain parts of a surface of the wipe (such as the part shown in the Figure). Regarding claim 25, the wipe comprises a material having a basis weight in the range of 15 to 300 gm/m² (Column 5 Lines 18-24). Regarding claim 26, the flock fibres have a length in the range of from 0.4 to 0.8 mm (Column 2 Lines 48-49). Regarding claim 27, the flock comprises fibres having a titre in the range from 15 to 80 dtex (Column 2 Lines 51-52, and 20 denier converts to about 22 dtex). Regarding claim 31, the flock comprises fibres of a polyamide material (nylon, Column 2 Lines 40-43). Regarding claim 32, the flock is secured to the substrate by an adhesive layer (2). Regarding

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claim 33, the flock is secured to the substrate by an acrylic adhesive or PVC resin (Column 3 Lines 57-60). Regarding claims 1-3 and 7-13, there is a use of this device (as a floor mat, Abstract).

10. Claims 1-3 and 7-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Garcia, US 5,419,015.

Regarding claims 1-3 and 7-13, there is a use of this device (as a mop, Abstract).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 14-15, 17-23, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia, US 5,419,015 in view of Zilg et al., US 5,725,927.

Garcia discloses the claimed invention including a substrate (34) laminated to a layer of foam (34; Column 3 Lines 61-63), fibres arranged substantially perpendicular to the surface of the substrate (best shown in Figure 8), the fibres being substantially free of abrasive particles (the disclosure is silent regarding abrasive particles) (claims 14, 20). Regarding claim 15, the foam comprises a pad suitable for hand held use (as a user is capable of using the pad by hand in addition to the handle). Regarding claim 17, the foam has a thickness in the range from 0.5 to 5.0 cm (Column 3 Line 16, the entire device is $\frac{1}{4}$ to $\frac{3}{4}$ inches thick). Garcia does not disclose that the flock comprises fibres that have a maximum length of 2.0mm, or any other particular specificity of the other material properties of the fibres. Garcia, however does mention that the substrate (34) is "a sheet of any selected fabric that has utility in mopping operations" (Column 3 Lines 41-42).

Zilg et al. teach a cleaning cloth for damp or dry cleaning of surfaces that has anti-static properties (Column 1 Lines 4-15) that comprises fibres (within 2) that are arranged substantially perpendicular to the surface of the substrate (the substrate is base layer 1, Column 2 Lines Column 2 Lines 10-23, 43-46) and have a maximum length of 2.0mm (Column 2 Lines 44-46). Regarding claim 18, the flock is non-uniformly disposed over the substrate (as shown in the Figure, it is grouped into island-like surfaces 2). Regarding claim 19, the substrate (1) is a non-woven web material (Column 4 Lines 28-32). Regarding claim 21, the flock is applied to the wipe in such a way that at least one area of a liquid-absorbent surface of the wipe remains exposed (see the Figure). Regarding claim 22, the flock is only applied on one surface of the

wipe (see Figure). Regarding claim 23, the flock is only applied to certain parts of a surface of the wipe (see the Figure). Regarding claim 25, the wipe comprises a material having a basis weight in the range of 15 to 300 g/m² (Column 4 Lines 44-45).

Regarding claim 26, the flock comprises fibres having a length in the range of from 0.4 to 0.8 mm (Column 2 Line 46). Regarding claim 27, the flock comprises fibres having a titre in the range from about 15 to 80 dtex (Column 4 Lines 40-43).

It would have been obvious for one of ordinary skill in the art at the time of the invention to substitute the substrate having fibres of Garcia for the substrate having a flock that comprises fibres that have a maximum length of 2.0mm, as Zilg et al. teach, as having beneficial cleaning abilities and even includes anti-static properties.

12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia, US 5,419,015 and Zilg et al., US 5,725,927 as applied to claim 14.

Garcia and Zilg et al. disclose all elements previously stated above, however do not state that the foam is a polyurethane or cellulosic foam.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to make the foam from polyurethane or a cellulosic foam since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. In re Leshin, USPQ 416.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-

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1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura C Guidotti/
Primary Examiner, Art Unit 3723

lcg